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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

PATENT APPLICATION

Inventor(s): David Chao  
Richard Chao

Examiner:

SC/Serial No.: Unknown

Art Unit:

Filed: Herewith

Title: **EYE-WEAR WITH MAGNETS**

which is a continuation of

Serial No.: 08/963,299

Filed: November 3, 1997

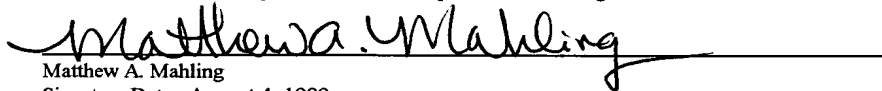


CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EL328183960US

Date of Mailing: August 4, 1999

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to **Box PATENT APPLICATION, Assistant Commissioner for Patents, Washington, DC 20231** and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.

  
Matthew A. Mahling

Signature Date: August 4, 1999

CONTINUATION OR DIVISIONAL APPLICATION TRANSMITTAL LETTER  
UNDER 37 C.F.R. §1.53(b)(1)

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Transmitted herewith for filing as a ☒ continuation ☐ divisional application under the continuing application procedure of 37 C.F.R. §1.53(b)(1) is a patent application identified as follows:

Title: **EYE-WEAR WITH MAGNETS**

Inventor(s): David Chao, Richard Chao

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No. of Pages in Specification: 27 (plus a title page), No. of Claims: 22.

No. of Sheets of Drawings: 7; Formal: ☒ or Informal: ☐.

### Identification of Prior Complete Application

SC/Serial No.: 08/963,299

Art Unit: 2873

Filed: November 3, 1997

Examiner: H. Dang

Title: **EYE-WEAR WITH MAGNETS**

Inventor(s): David Chao, Richard Chao

Delete the Following Inventor(s) for This Application: (none)

### Declaration

☒ A copy of the Declaration (signed by all inventors) from the Prior Complete Application is submitted herewith.

### Amendments

☐ Please CANCEL in this application original claims \_\_\_\_\_ of the prior complete application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ Please AMEND the specification by [deleting the amendatory sentence before the first line of the application and inserting therefor:] [inserting before the first line of the application:] "This application is a continuation of Serial No. 08/963,299, filed November 3, 1997, [now abandoned,] [which is a continuation-in-part of U.S. Patent No. 5,737,054, issued April 7, 1998 ]."

☒ A preliminary amendment is enclosed. Please enter the preliminary amendment before calculating the application filing fee. (Claims added must be consecutively numbered beginning with next number after highest number in prior complete application.)

### Petition for Extension of Time to Respond

☐ No extension of time is required for the prior complete application.

☐ Pursuant to 37 C.F.R. §1.136(a), enclosed is a petition for an extension of time for the prior complete application, up to and including today, for responding to the Office action together with the fee set by 37 C.F.R. §1.17.

### Power of Attorney

- ☒ A power of attorney appears in the prior complete application.
- ☐ A new power of attorney is submitted herewith.

### Assignment

- ☐ The prior application is assigned of record to: \_\_\_\_\_
- ☐ An assignment of the invention to: \_\_\_\_\_ is submitted herewith, together with an ASSIGNMENT RECORDATION FORM COVER SHEET and recordal fee of \$40.00.

### Claim of Priority

- ☐ Priority of foreign application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_, in \_\_\_\_\_ is claimed under 35 U.S.C. §1.119.
- ☐ The certified copy was filed in prior U.S. application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

### Small Entity Statement

- ☐ Statement(s) claiming small entity status is (are) submitted herewith.
- ☒ Statement(s) claiming small entity status was (were) filed in the parent application Serial No. 08/963,299, on March 23, 1998 and its benefit under 37 C.F.R. §1.28(a) is hereby claimed.

### Also Enclosed Are:

- ☒ An Information Disclosure Statement under 37 C.F.R. §1.56.
- ☒ Form PTO-1449.

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## Filing Fee

The continuation/divisional patent application filing fee is calculated as shown below:

No. Filed	No. Extra		Rate Small Entity/ Other Than Small Entity		
Basic Fee			\$380.00 \$760.00	=	\$380.00
Total Claims <u>22</u> ** - 20 =	<u>2</u> *	X	\$ 9.00 \$ 18.00	=	\$ 18.00
Independent Claims <u>7</u> ** - 3 =	<u>4</u> *	X	\$ 39.00 \$ 78.00	=	\$156.00
First Presentation of Multiple Dependent Claim(s) <u>0</u>			\$130.00 \$260.00	=	\$0
Total PATENT APPLICATION FILING FEE:					\$554.00

\* If the difference is less than zero, enter "0".

\*\* Count claims after any amendment.

## Method of Payment of Fees

The total fee associated with this communication is calculated as follows:

Patent application filing fee	\$554.00
Net fee for extension of time (See attached petition)	\$--
Assignment recordal fee (See attached cover sheet)	\$--
TOTAL FEE DUE:	\$554.00

- ✓ A check in the amount of \$554.00 is enclosed.
- ✓ The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A **duplicate** copy of this CONTINUATION OR DIVISIONAL APPLICATION TRANSMITTAL LETTER UNDER 37 C.F.R. §1.53(b)(1) form is enclosed.

**Correspondence Address**

All correspondence should be addressed as follows:

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Direct all telephone calls to the undersigned attorney at (415) 362-3800.

Respectfully submitted,

Date: 8/4/, 1999

By: Peter P. Tong  
Peter P. Tong  
Reg. No. 35,757

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